

REMARKS

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Applicant thanks the Examiner for the courtesy of a telephonic interview granted on 20 September 2006 to Applicant. The substance of the interview is included in the Interview Summary.

In the interview, the Examiner and Applicant discussed possible claim amendments to overcome the Peng reference rejections for claims 23, 27, 29, 35, 38 and 40. Regarding claim 23, the Examiner agreed with Applicant's argument during the interview that Peng does not disclose the bit-rate range limitation as claimed in claim 27 and that adding content of claim 27 to claim 23 would overcome the rejection of claim 23. Regarding claim 29, the Examiner indicated that amending claim 29 to include the limitations of claim 32 (previously objected to as dependent on a rejection claim but otherwise allowable) would overcome the rejection of claim 29. Regarding claim 35, Applicant proposed making the "susceptibility to interference" limitation required and the Examiner agreed this would overcome the rejection of claim 35. Regarding claim 38, Applicant proposed adding content of claim 40 to claim 38 while limiting the "different transmission conditions" limitation of claim 40 to the conditions described in the specification. The Examiner indicated this would overcome the rejection of claim 38 if the limitations from the specification of "susceptibility to interference" and "separation from other wavelengths" were used.

Applicant has amended the paragraph of the specification element CROSS-REFERENCE TO RELATED APPLICATIONS that follows the title of the invention to reflect issuance of US Patent Application Serial No. 09/944,603 as US Patent No. 7,106,967.

No new matter has been added.

Claims 23 – 46 were examined. Claims 27, 32 and 40 have been

canceled without prejudice. Thus, claims 23 – 26, 28 – 31, 33 – 39 and 41 – 46 are now pending in the application.

Claims 23, 24, 27, 28, 35, 38 – 40, 43, 45 and 46 stand rejected under 35 USC 102(e) as being anticipated by an article entitled “Distributed Wavelength Assignment Protocols with Priority for WDM All-Optical Networks”, Peng et al,
5 Ninth International Conference on Computer Communications and Networks, 2000, 16 – 18 Oct. 2000, pages 625 – 630 (“Peng”).

Peng describes a concept of priority based wavelength assignment for wavelength assignment in WDM all-optical networks.

10 Claim 23 has been amended to include the recitations of claim 27 and claim 27 has been canceled without prejudice.

The amendments to claim 23 are in accordance with the agreement reached in the interview and are believed to overcome the current rejection of claim 23.

15 Amended claim 23 is therefore deemed allowable.

Claim 24 depends from claim 23 and recites additional patentable subject matter.

Claim 24 is therefore deemed allowable.

20 Claim 28 has been amended to take into account the amendments to claim 23. The amendments to claim 28 are supported, inter alia, by the specification from the second full paragraph on page 45 through the first paragraph on page 46.

Claim 28 depends from claim 23 and recites additional patentable subject matter.

Claim 28 is therefore deemed allowable.

25 Claim 35 has been amended as proposed in the interview. The amendments to claim 35 are believed to overcome the current rejection of claim 35.

Amended claim 35 is therefore deemed allowable.

30 Claim 38 has been amended to include the recitations of claim 40 and recitations from the third full paragraph on page 41 of the specification regarding the transmission conditions, and claim 40 has been canceled without prejudice.

The amendments to claim 38 are in accordance with Examiner’s

indications in the interview and are believed to overcome the current rejection of claim 38.

Amended claim 38 is therefore deemed allowable.

Claim 39 depends from claim 38 and recites additional patentable
5 subject matter.

Claim 39 is therefore deemed allowable.

Claim 43, which is apparatus claim corresponding to claim 23 has
been amended similarly to claim 23.

Amended claim 43 is therefore deemed allowable.

10 Claim 45, which is apparatus claim corresponding to claim 35 has
been amended similarly to claim 35.

Amended claim 45 is therefore deemed allowable.

Claim 46, which is apparatus claim corresponding to claim 38 has
been amended similarly to claim 38.

15 Amended claim 46 is therefore deemed allowable.

Claims 25, 26, 36, 37, 41 and 42 stand rejected under 35 USC 103(a)
as being unpatentable over Peng.

Claims 25 and 26 depend directly or indirectly from claim 23 and
recite additional patentable subject matter.

20 Claims 25 and 26 are therefore deemed allowable.

Claims 36 and 37 depend directly or indirectly from claim 35 and
recite additional patentable subject matter.

Claims 36 and 37 are therefore deemed allowable.

25 Claims 41 and 42 depend directly or indirectly from claim 38 and
recite additional patentable subject matter.

Claims 41 and 42 are therefore deemed allowable.

Claims 29, 30, 33, 34 and 44 stand rejected under 35 USC 103(a) as
being unpatentable over US Patent 6,892,032 to Milton et al ("Milton").

Claim 32 is objected to as being dependent upon a rejected base claim.

30 Milton describes a WDM optical network with passive pass-through
at each node.

Claim 29 has been amended to include the recitations of claim 32 and claim 32 has been canceled without prejudice.

The amendments to claim 29 are in accordance with Examiner's indications in the interview and are believed to overcome the current rejection of claim 29.

Amended claim 29 is therefore deemed allowable.

Claims 30, 33 and 34 depend directly or indirectly from claim 29 and recite additional patentable subject matter.

Claims 30, 33 and 34 are therefore deemed allowable.

Claim 44, which is apparatus claim corresponding to claim 29 has been amended similarly to claim 29.

Amended claim 44 is therefore deemed allowable.

Claim 31 stands rejected under 35 USC 103(a) as being unpatentable over Milton in view of Kartalopoulos, "Introduction to DWDM Technology", IEEE Press, 2000, pages 56 – 57 ("Kartalopoulos").

Kartalopoulos describes fiber spectrum utilization.

Claim 31 depends from claim 29 and recites additional patentable subject matter.

Claim 31 is therefore deemed allowable.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

/Doron Handelman/

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